

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRUCE N. SAFFRAN, Ph.D., M.D.,
Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION.
Defendant.

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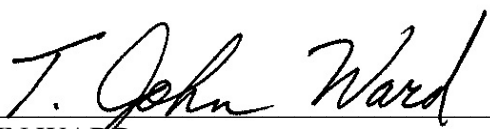
CIVIL ACTION NO. 2-05-CV-547 (TJW)

ORDER

The court *sua sponte* severs plaintiff's continuing causes of action for future royalties. Plaintiff's post-verdict causes of action are assigned case number 2-08-cv-64. Plaintiff shall file an appropriate complaint, in the new case, within ten days of this order. Defendant shall file an answer within the time provided by the Federal Rules of Civil Procedure. The court orders the defendant to file, in the new case, quarterly reports beginning on April 1, 2008, identifying the number of units sold with regard to all of the defendant's products found to infringe the patent-in-suit.

The court has rendered a Final Judgment contemporaneous herewith. In that judgment, the court awarded the plaintiff pre-judgment interest consistent with the average ninety (90) day commercial paper rate, as established by the Federal Reserve Board. The court believes that a rate consistent with the commercial paper rate is appropriate for a case brought pursuant to federal law. The court used the commercial paper rates for the time period from January 1, 2004 to the date that judgment was entered to calculate the pre-judgment interest award.

SIGNED this 14th day of February, 2008.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE